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10/005,802	12/03/2001	Merle T. Brumfield	7761-C1	1720

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EXAMINER

DUNWOODY, AARON M

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/005,802

Applicant(s)

BRUMFIELD ET AL.

Examiner

Aaron M Dunwoody

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-15 is/are rejected.
- 7) ☒ Claim(s) 7 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Claims 17-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, 8, 10, 11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5622394, Soles et al.

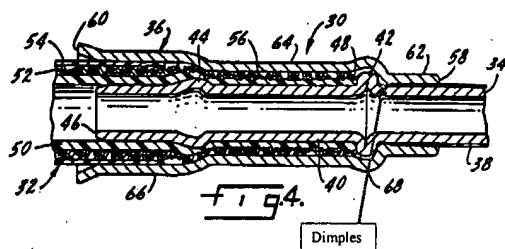
In regards to claim 1, Soles et al discloses a flexible hydraulic brake line assembly for use on a motor vehicle, comprising an elongated multi-layer high pressure flexible brake hose (32) having a predetermined inner diameter, an elongated bendable metal tube (34) having a predetermined outer diameter greater than the inner diameter of the hose, the metal tube having a reduced end portion (when compared to 42) with a diameter generally the same as the inner diameter of the hose and extending into an end portion of the hose, a sheet metal tubular collar (36) having a substantially uniform wall thickness and a first end portion crimped radially inwardly against the end portion of the hose and positively compressing the end portion of the hose against the reduced end portion of the tube, and the collar having an opposite second end portion crimped

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radially inwardly against an inwardly reduced neck portion of the tube to lock the collar to the tube.

In regards to claim 5, Soles et al discloses the tube including a plastic coating (38) extending into the second end portion of the collar and surrounding the reduced neck portion of the tube.

In regards to claim 6, in figure 4 below, Soles et al discloses the second end portion of the collar having a plurality of circumferentially spaced and inwardly projecting integral dimples (62) engaging a shoulder on the metal tube and forming an axial stop



for the metal tube.

In regards to claim 8, Soles et al discloses a flexible hydraulic brake line assembly for use on a motor vehicle, comprising an elongated multi-layer high pressure flexible brake hose having a predetermined inner diameter, an elongated bendable metal tube having a predetermined outer diameter greater than the inner diameter of the hose, the metal tube having a reduced end portion with a diameter generally the same as the inner diameter of the hose and extending into an end portion of the hose, a metal tubular collar having a first end portion crimped radially inwardly against the end portion of the hose and positively compressing the end portion of the hose against the reduced end portion of the tube, and the collar having an opposite second end portion crimped

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radially inwardly against an inwardly reduced neck portion of the tube to lock the collar to the tube.

In regards to claim 10, Soles et al discloses a flexible hydraulic brake line assembly for use on a motor vehicle, comprising an elongated multi-layer high pressure flexible brake hose having a predetermined inner diameter, an elongated bendable metal tube having a predetermined outer diameter, the metal tube having an end portion with an outer diameter generally the same as the inner diameter of the hose and extending into an end portion of the hose, a sheet metal tubular collar having a substantially uniform wall thickness, the collar having a first tubular end portion crimped radially inwardly against the end portion of the hose and positively compressing the end portion of the hose against the end portion of the tube, and the collar having a second opposite end portion positively secured to the metal tube.

In regards to claim 11, Soles et al discloses the second end portion of the collar being crimped into a reduced neck portion of the tube for securing the collar to the tube and to provide the assembly with substantial tensile strength.

In regards to claim 15, Soles et al discloses the second end portion of the collar having a plurality of circumferentially spaced and inwardly projecting integral dimples engaging a shoulder on the metal tube and forming an axial stop for the metal tube.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soles et al in view of US patent 3345091, Nicol.

In regards to claims 2 and 12, Soles et al discloses the claimed invention except for the second end portion of the collar and the reduced neck portion of the tube having a non-circular crosssectional configuration. In figure 6, Nicol teaches the second end portion of the collar (7) and the reduced neck portion of the tube (25) having a non-circular crosssectional configuration to lock the tube against rotary motion and axial motion (col. 2, lines 17-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the second end portion of the collar and the reduced neck portion of the tube with a non-circular crosssectional configuration to lock the tube against rotary motion and axial motion, as taught by Nicol.

In regards to claims 3 and 13, Soles et al in view of Nicol discloses the claimed invention except for the second end portion of the collar and the neck portion of the tube have a generally square crosssectional configuration. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the second end portion of the collar and the neck portion of the tube with a square cross-sectional configuration, since a change in the shape of a prior art device is a design

consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soles et al in view of US patent 5255944, Blin et al.

In regards to claim 4, Soles et al discloses the claimed invention except for the second end portion of the collar having a plurality of circumferentially spaced and outwardly projecting ribs defining corresponding grooves, and the tube having outwardly projecting integral ears extending into the grooves. Blin et al et teaches the second end portion of the collar (3) having a plurality of circumferentially spaced and outwardly projecting ribs (12, 12a) defining corresponding grooves (13), and the tube (2) having outwardly projecting integral ears (10) extending into the grooves providing a function of fastening solely the textile reinforcement [hose] (col. 1, lines 59-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the second end portion of the collar with a plurality of circumferentially spaced and outwardly projecting ribs defining corresponding grooves, and fabricate the tube with outwardly projecting integral ears extending into the grooves providing a function of fastening solely the textile reinforcement, as taught by Blin et al.

Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soles et al in view of Nicol, in further view of US patent 5255944, Blin et al.

In regards to claim 9 and 14, Soles et al in view of Nicol discloses the claimed invention except for the second end portion of the collar having a plurality of circumferentially spaced and outwardly projecting ribs defining corresponding grooves, and the tube having outwardly projecting integral ears extending into the grooves. Blin et al teaches the second end portion of the collar (3) having a plurality of circumferentially spaced and outwardly projecting ribs (12, 12a) defining corresponding grooves (13), and the tube (2) having outwardly projecting integral ears (10) extending into the grooves providing a function of fastening solely the textile reinforcement [hose] (col. 1, lines 59-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the second end portion of the collar with a plurality of circumferentially spaced and outwardly projecting ribs defining corresponding grooves, and fabricate the tube with outwardly projecting integral ears extending into the grooves providing a function of fastening solely the textile reinforcement, as taught by Blin et al.

***Allowable Subject Matter***

Claims 7 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose a flexible hydraulic brake line assembly a molded plastic body, with a vehicle mounting portion, encapsulating the collar and the end portions of the hose and the tube. The Examiner recognizes that references cannot



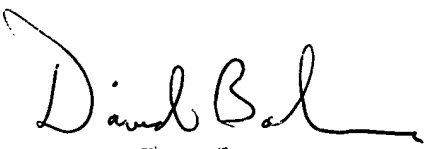
be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make a proposed combination of primary and secondary references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

.amd  
May 5, 2003

  
**David Bock**  
**Patent Examiner**